

REFERENCE TITLE: **legislative authority; renewable energy**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2623

Introduced by
Representative Mason

AN ACT

AMENDING TITLE 30, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 7; AMENDING TITLE 41, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 14; RELATING TO RENEWABLE ENERGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 30, Arizona Revised Statutes, is amended by adding
3 chapter 7, to read:

CHAPTER 7

RENEWABLE ENERGY

ARTICLE 1. GENERAL PROVISIONS

30-901. Renewable energy standard

8 THE LEGISLATURE ADOPTS THE RENEWABLE ENERGY STANDARD AND TARIFF RULES
9 APPROVED BY THE ARIZONA CORPORATION COMMISSION IN DECISION NUMBER 69127 THAT
10 IS EFFECTIVE ON THE EFFECTIVE DATE OF THIS CHAPTER, EXCEPT THAT ELIGIBLE
11 RENEWABLE ENERGY RESOURCES INCLUDE NUCLEAR ENERGY, HYDRO GENERATION AND
12 ENERGY SAVED THROUGH CONSERVATION AND ENERGY EFFICIENCY.

13 Sec. 2. Title 41, chapter 7, Arizona Revised Statutes, is amended by
14 adding article 14, to read:

ARTICLE 14. RENEWABLE ENERGY

41-1295. Legislative authority; renewable energy; definition

17 A. THE LEGISLATURE RESERVES THE EXCLUSIVE POWER, AUTHORITY AND
18 JURISDICTION TO SET FORTH STATEWIDE RENEWABLE ENERGY POLICY, EXCEPT

18 JURISDICTION TO SET FORTH STATEWIDE RENEWABLE ENERGY POLICY, EXCEPT:
19 1. IF THE LEGISLATURE HAS EXPRESSLY DELEGATED AUTHORITY TO OTHER
20 AGENCIES, DEPARTMENTS OR POLITICAL SUBDIVISIONS OF THIS STATE TO ADMINISTER
21 CLEARLY ARTICULATED STATEWIDE LEGISLATIVE POLICY.

22 2. UTILITY RATE SETTING TO THE EXTENT DELEGATED BY THE STATE
23 CONSTITUTION TO OTHER AGENCIES, DEPARTMENTS OR POLITICAL SUBDIVISIONS OF THIS
24 STATE.

24
25 B. THIS SECTION DOES NOT SUPERSEDE ANY EXISTING AUTHORITY OF POLITICAL
26 SUBDIVISIONS OF THIS STATE TO ADOPT AND ENFORCE LOCAL RENEWABLE ENERGY POLICY
27 THAT DOES NOT CONFLICT WITH STATEWIDE RENEWABLE ENERGY POLICY SET BY THE
28 LEGISLATURE.

29 C. FOR THE PURPOSES OF THIS SECTION, "RENEWABLE ENERGY POLICY"
30 INCLUDES TARGETS, MANDATES, TAX CREDITS AND INCENTIVES RELATING TO AND THE
31 REGULATION OF THE PRODUCTION AND DISTRIBUTION OF SOLAR, WIND, BIOMASS,
32 GEOTHERMAL, NUCLEAR, HYDRO GENERATION, AGRICULTURAL WASTE AND LANDFILL GAS
33 POWER.